

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		12/05/16	12/08/16
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		LOS ANGELES COUNTY	
4. REGULATION CITE(S):		7. SUBJECT:	
		CalFresh Benefits Theft	
		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
		7 C.F.R. 274.6(b)2, ACL 13-67, MPP 63-603.115(c) & MPP 63-603.126	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Can CalFresh benefits be replaced when the following occurs: CalFresh benefits are transacted for an individual who is currently residing in a Sober Living Facility with a mandatory evening curfew. The benefits were used in a city entirely different from where the individual is institutionalized. The participant filed a police report and requested to have his benefits replaced. Can we replace these CalFresh benefits and use his police report as verification?

10. REQUESTOR'S PROPOSED ANSWER:

Option 1. No, per CalFresh regulations, we wouldn't replace CalFresh benefits in this situation. Per 7 C.F.R 274.6(b)2, CalFresh benefits are only to be replaced when the participant makes a timely report about the loss of their Electronic Benefits Transfer (EBT) card and the CWD fails to immediately cancel the EBT account which results in benefits to be subsequently transacted by an unauthorized person. In addition, ACL 13-67, Pg. 2, specifies that electronic theft of CalFresh benefits are to be referred to the EBT Customer Service Helpline. - - - Please note that the advocate was sent back to the welfare office when he attempted to file a claim directly with the EBT Customer Service Helpline for the lost benefits. The claim was subsequently filed but ultimately denied.

Option 2. Unclear. MPP 63-603.115(c) lists '[benefits] stolen after receipt' from an 'automated direct access issuance
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11. STATE POLICY RESPONSE (CFPB USE ONLY):

Based on the information provided, CDSS concurs with the county's response. No, benefits that are either lost or stolen are not replaceable. EBT regulations at MPP Section 16-515 states that if the cardholder reports their EBT card to be lost, stolen, or inoperative, the CWD shall immediately provide the cardholder the toll-free number to contact the EBT Contractor.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
12/05/16	1.6.17 RA

CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 04/14/16	NEED RESPONSE BY: 04/25/16
	6. COUNTY/ORGANIZATION: LOS ANGELES	
	7. SUBJECT:	
2. REQUESTOR NAME:	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
3. PHONE NO.:		
4. REGULATION CITE(S):		

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system (we translate this to be EBT) as an "Allowable Replacement". At the same time, MPP 63-603.126, lists 'in an automated direct access issuance system, an access device reported as lost, misplaced or totally destroyed after receipt was used to transact benefits authorized for the validity period for which a replacement authorization is being requested' as an "Non-Allowable Replacement"